

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

DIGITAL MEDIA TECHNOLOGY
HOLDINGS, LLC,

Plaintiff,

v.

DISNEY MEDIA & ENTERTAINMENT
DISTRIBUTION LLC,

Defendant.

C.A. No. 22-1642-CJB

JURY TRIAL DEMANDED

PLAINTIFF’S RESPONSIVE SUPPLEMENTAL BRIEF

Pursuant to this Court’s Oral Order (D.I. 59), Plaintiff Digital Media Technology Holdings, LLC (“Plaintiff”) hereby submits this Responsive Supplemental Brief in response to the Supplemental Brief (D.I. 60, “Supplemental Brief”) filed by Defendant Disney Media & Entertainment Distribution LLC (“Defendant”). Defendant submitted an Opening Brief (D.I. 22, “Opening Brief”) in support of its motion to dismiss Plaintiff’s First Amended Complaint (D.I. 20) asserting infringement of U.S. Patent No. 7,574,725 (D.I. 20-1, “’725 Patent”), in response to which Plaintiff previously filed an Answering Brief (D.I. 26, “Answering Brief”).

Dated: August 20, 2024

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Defendant's Opening Brief argued to invalidate claims 1-10 of the '725 Patent, but did not address asserted claim 11. (D.I. 22 § VI.) Plaintiff's Answering Brief addressed all asserted claims. (D.I. 26 § IV(B).) Now, Defendant's Supplemental Brief argues for invalidation of claim 11, citing *Elec. Power*¹ and *GeoComply*² in support. (D.I. 60.)

The claim at issue in *Elec. Power* recited limitations for receiving data and displaying visual representations of such data. *See* 830 F.3d at 1351-52. The claim at issue in *GeoComply* recited limitations for requesting and transmitting geolocation data. *See* 2023 WL 1927393, at *1. Claim 11 of the '725 Patent, however, like claim 1 from which it depends, is distinguishable from the claims at issue in those cases.

Regarding *Alice* step one, the claims at issue in *Elec. Power* and *GeoComply* did not recite a tangible result, but instead were limited to data processing operations. In contrast here, claim 1 of the '725 Patent recites "a method of marketing and distributing multimedia" (D.I. 20-1 at 16:19-20) that results in the display of multimedia material by exhibitors "in a public theater to a number of individuals" (*id.* at 16:58-17:2), and claim 11 adds "automatically collecting sales information from" such exhibitors (*id.* at 17:33-38). Claim 11, like claim 1, thus recites tangible results regarding the exhibition of multimedia content. Additionally, regarding *Alice* step two, neither claim at issue in *Elec. Power* nor *GeoComply* recited a new form of data processing. In contrast, claim 1 of the '715 Patent recites the inventive concept of "correlated information" corresponding to multimedia material (D.I. 20-1 at 16:19-17:2), and claim 11 additionally recites "automatically collecting sales information" related to such corresponding multimedia material, none of which Defendant has shown to be conventional or generic technology as of the priority date in May 2000.

¹ *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016).

² *GeoComply Sols. Inc. v. Xpoint Servs. LLC*, No. 22-1273-WCB, 2023 WL 1927393, at *4 (D. Del. Feb. 10, 2023).

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